IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors:	Travis J. Parry, et al.	Examiner: Gerald A. Smarth
Serial No.:	10/615,764	Group Art Unit: 2446
Filed:	July 9, 2003	Docket No.: 200207046-1
Title:	Methods and Systems for Providing Email Messages to a Printing Device	

REPLY APPEAL BRIEF UNDER 37 C.F.R. § 41.41

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Examiner's Answer mailed November 17, 2009, Appellants file this Reply Brief in accordance with 37 C.F.R. § 41.41.

AUTHORIZATION TO DEBIT ACCOUNT

It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's deposit account no. 08-2025.

<u>Claims 1 and 2</u>

Independent claim 1 recites attaching a memory module storing email messages to a printing device consumable. As shown in the Appeal Brief, the combination of Muto, Tabb, Kinoshita and Kurz fails to teach or even suggest that the print cartridge stores email messages. In the Examiner Answer, the examiner attempts to cure this deficiency with Kurz. Appellants respectfully disagree.

In the Examiner Answer, the examiner <u>admits</u> that "Kurz does not teach store the actual email in the memory" (see Examiner Answer at p. 37). Thus, the examiner has admitted that Kurz does not teach storing email messages in the print cartridge. Kurz teaches that the print cartridge has a memory that stores the number of copies that the printer can make before running out of ink. When the number of images remaining on print cartridge reaches a preprogrammed level, a user is notified with a printed document at the printing machine. **Storing a number of images remaining in a print cartridge is very different than storing email messages.**

In the Examiner Answer, the examiner argues that Kurz teaches that the printer sends an email when the print cartridge is low. This teaching, however, is quite different than the express recitations of claim 1, which recites that the printing device consumable stores the email messages.

In the Examiner Answer, the examiner also argues that it would be fairly obvious to modify Kurz to have the print cartridge store emails. The examiner reasons that such a modification is taught in Kinoshita which "teaches email stored in memory which is loaded to a printer" (see Examiner Answer at p. 38). Appellants respectfully disagree.

The combination of Kurz and Kinoshita teaches a printer that notifies a user when the ink cartridge is low. This printer (not the print cartridge) also has a memory card that stores data representing connection information for connecting the printer to the mail server, a user ID, a password, an e-mail address. The memory card is <u>not</u> attached to a printing device consumable, such as a print cartridge. **No printing device consumable in combination of Kurz and Kinoshita stores email messages.**

Claims 7-16 and 25-28

Independent claim 7 recites storing email messages on a memory module and then attaching the memory module to a printing device consumable. Muto in view of Tabb and Kinoshita does not teach or suggest these claim elements.

In the Examiner Answer, the examiner argues as follows: "It is not stated in the claim that the consumable is a printing cartridge or toner. As stated previously, in the specifications consumable may be defined as ink, colorant, printer fluid" (see Examiner Answer at p. 39: The examiner makes a similar argument with respect to claim 1 on p. 38). Appellants respectfully disagree.

Appellants acknowledge that claims must be given their broadest interpretation during patent examination. However, this interpretation must be a "reasonable interpretation consistent with the specification" (see MPEP 2111: emphasis added). Claim 7 recites attaching a memory module to a printing device consumable. Paragraph [0023] discusses a definition of a "consumable" and gives examples, such as Fig. 2 showing a memory module 110 attached to a disposable cartridge that holds toner for the printing device.

In the Examiner Answer, the examiner argues that "Tabb does teach a printer cartridge with a memory module attached to it" (see Examiner Answer at p. 39). The examiner also argues that "Kinishita teaches email stored in memory which is loaded to a printer" (see pages 39-40). From these two teachings, the examiner reasons as follows: "It would be fairly obvious to have a memory module store the email and transmit it to a printer" (see p. 40). Appellants respectfully disagree.

The combination of Tabb and Kinoshita teaches a printer that includes a print cartridge with a memory module. This memory module stores software code upgrades, not email messages. In fact, the examiner admits the following: "Neither Mutto nor Tabb specifically teaches emails being stored on a memory module" (see Final OA mailed 03/04/2009 at p. 12). In Kinishota, the emails are stored in memory of the printer, not memory of the consumable. **No printing device consumable in combination of Tabb and Kinoshita stores email messages.**

In the Examiner Answer, the examiner essentially repeats arguments for the remaining claim groups separately argued in the Appeal Brief. Appellants do not repeat the responses since these responses are articulated herein above and in the original Appeal Brief.

Further, the Appeal Brief separately argues various claim groups. Appellants respectfully ask the BPAI to separately consider each of these claim groups.

In view of the above, Appellants respectfully ask the BPAI to reverse the rejections of the examiner.

Respectfully submitted,

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